

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE **INTRODUCTION AND ADMINISTRATION ELEMENT** (TO CLARIFY FUTURE LAND USE ATLAS AMENDMENT CRITERIA); **FUTURE LAND USE ELEMENT** (TO CLARIFY FUTURE LAND USE ATLAS AMENDMENT CRITERIA AND TO REVISE TEXT REGARDING FREESTANDING USES IN THE INDUSTRIAL LAND USE CATEGORY); AND AMENDING ALL ELEMENTS AS NECESSARY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17;

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners have initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County; and

WHEREAS, the Palm Beach County Local Planning Agency conducted its public hearings on June 14 & 28, July 12 & 22, 2002 to review the proposed amendments to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on July 24, 2002 and August 28, 2002 to review the recommendations of the Local Planning Agency, whereupon the Board of County Commissioners authorized transmittal of proposed amendments to the Department of Community Affairs for review and comment pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, Palm Beach County received on November 13, 2002 the Department of Community Affairs "Objections, Recommendations, and Comments Report," dated November 8, 2002 which was the Department's written review of the proposed Comprehensive Plan amendments; and

1 WHEREAS, the written comments submitted by the Department of
2 Community Affairs contained no objections to the amendments contained
3 in this ordinance;

4 WHEREAS, on December 18, 2002 the Palm Beach County Board of
5 County Commissioners held a public hearing to review the written
6 comments submitted by the Department of Community Affairs and to
7 consider adoption of the amendments; and

8 WHEREAS, the Palm Beach County Board of County Commissioners has
9 determined that the amendments comply with all requirements of the
10 Local Government Comprehensive Planning and Land Development
11 Regulations Act.

12 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
13 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

14 Part I. Amendments to the 1989 Comprehensive Plan

15 Amendments to the text of the following Element of the 1989
16 Comprehensive Plan are hereby adopted and attached to this Ordinance
17 in Exhibit 1:

- 18 A. Introduction and Administration Element, to clarify Future
19 Land Use Atlas Amendment criteria;
- 20 B. Future Land Use Element, to clarify Future Land Use Atlas
21 Amendment criteria and to revise text regarding
22 freestanding uses in the Industrial land use category; and
- 23 C. Amending all elements as necessary for internal
24 consistency.

25 Part II. Repeal of Laws in Conflict

26 All local laws and ordinances applying to the unincorporated area
27 of Palm Beach County in conflict with any provision of this ordinance
28 are hereby repealed to the extent of such conflict.

29 Part III. Severability

30 If any section, paragraph, sentence, clause, phrase, or word of
31 this Ordinance is for any reason held by the Court to be
32 unconstitutional, inoperative or void, such holding shall not affect
33 the remainder of this Ordinance.

1 Part IV. Inclusion in the 1989 Comprehensive Plan

2 The provision of this Ordinance shall become and be made a part
3 of the 1989 Palm Beach County Comprehensive Plan. The Sections of the
4 Ordinance may be renumbered or relettered to accomplish such, and the
5 word "ordinance" may be changed to "section," "article," or any other
6 appropriate word.

7 Part V. Effective Date

8 The effective date of this plan amendment shall be the date a
9 final order is issued by the Department of Community Affairs or
10 Administration Commission finding the amendment in compliance in
11 accordance with Section 163.3184(1)(b), Florida Statutes, whichever is
12 applicable. No development orders, development permits, or land uses
13 dependent on this amendment may be issued or commence before it has
14 become effective. If a final order of noncompliance is issued by the
15 Administration Commission, this amendment may nevertheless be made
16 effective by adoption of a resolution affirming its effective status,
17 a copy of which resolution shall be sent to the Florida Department of
18 Community Affairs, Division of Community Planning, Plan Processing
19 Team. An adopted amendment whose effective date is delayed by law
20 shall be considered part of the adopted plan until determined to be
21 not in compliance by final order of the Administration Commission.
22 Then, it shall no longer be part of the adopted plan unless the local
23 government adopts a resolution affirming its effectiveness in the
24 manner provided by law.

25 **APPROVED AND ADOPTED** by the Board of County Commissioners of
26 Palm Beach County, on the 18 day of December, 2002.

27
28 ATTEST:
29 DOROTHY H. WILKEN, Clerk

 PALM BEACH COUNTY, FLORIDA,
 BY ITS BOARD OF COUNTY COMMISSIONERS

30
31  *[Signature]*
32 Deputy Clerk

By *Aldie L. Greene*
33 *[Signature]* Karen T. Marcus, Chair

34
35 APPROVED AS TO FORM AND LEGAL SUFFICIENCY
36 *[Signature]*
37 COUNTY ATTORNEY

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40 Filed with the Department of State on the 24 day of
41 December, 2002

EXHIBIT 1

A. Introduction and Administration Element, FLUA Amendment Criteria

REVISIONS: To revise and update. The revisions are numbered below, and shown with the added text underlined, and the deleted text ~~struck out~~.

H. Applications For Amendment

- 3. **DELETION:** ~~One administrative postponement will be granted per public hearing. Any request for additional postponements of a SCA will result in an additional processing fee.~~
- 4. **DELETION:** ~~By December 1998, the ULDC shall be amended to outline submittal and postponement procedures for small scale amendments.~~
- 5. **DELETION:** ~~In order to mitigate potential negative impacts, the LUAB may impose conditions of approval, which limit intensity and applicable zoning districts, on small scale FLUA amendments that are going through the concurrent rezoning process.~~

B. Future Land Use Element, FLUA Amendment Criteria

REVISIONS: To revise and update. The revisions are numbered below, and shown with the added text underlined, and the deleted text ~~struck out~~.

OBJECTIVE 2.2 Future Land Use Provisions - General

1. **REVISED Policy 2.2-b:** Before approval of a future land use amendment, the applicant shall ~~demonstrate that the current use is unsuitable~~ provide an adequate justification and a demonstrated need for the proposed future land use, and for residential density increases demonstrate that the current land use is inappropriate. In addition, ~~and the~~ County shall review and make a determination that the proposed future land use is compatible with existing and planned development in the immediate vicinity and shall evaluate its impacts on:

1. The natural environment, including topography, soils and other natural resources;
2. The availability of facilities and services;
3. The adjacent and surrounding development;
4. The future land use balance;
5. The prevention of urban sprawl as defined by 9J-5.006(5)(g), Florida Administrative Code (F.A.C.);
6. Community Plans and/or Planning Area Special Studies recognized by the Board of County Commissioners; and
7. Municipalities in accordance with Intergovernmental Coordination Element Objective 1.1.

2. REVISION, Implementation Section

INDUSTRIAL Uses

General. The Future Land Use Atlas delineates the Industrially designated areas to include lands primarily used for manufacturing, assembly, processing, research and development and wholesale distribution and storage of products. The land uses listed below are allowable within the Industrial future land use designation as permitted by the ULDC.

- 1) Mining, subject to the limitations included in the subsection entitled "Mining and Excavation";
- 2) Accessory commercial uses within buildings devoted to primary industrial uses (automotive paint and body shop, car wash and auto detailing, and repair and maintenance, general, shall be allowed as freestanding uses);
- 3) Commercial uses within areas zoned as Planned Industrial Park Developments;
- 4) Parks and Recreation;
- 5) Commercial Recreation;
- 6) Conservation;
- 7) Institutional and Public Facilities;
- 8) Transportation and Utility Facilities;
- 9) Communication Facilities;
- 10) Non-residential agricultural uses;
- 11) Caretakers' quarters;
- 12) Uses and structures accessory to a permitted use; and,
- 13) Residential uses, subject to the limitations described in the provisions for a Planned Industrial Park Development.

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the
Board of County Commissioners certify this to be a
true and correct copy of the original filed in my office
on December 18, 2002
DATED at West Palm Beach, FL on 1/23/03.
DOROTHY H. WILKEN, Clerk
By: Diane Brown D.C.